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In re PATENT APPLICATION of

Inventor(s) Sohail SHAMS

Appln. No. 10/761,938

series code | serial no.

Filed: 01/21/2004

Group Art Unit: 2161

Examiner: Asolfaiz Tabatabaai

Atty. Dkt. PM 016472-0311710
M#

TITLE: System and Method for
Automatically Processing
Microarrays

Date: March 29, 2006

Name or type of signed paper being transmitted:

1. Interview Summary
2. Terminal Disclaimer
3. Fee Transmittal
4. Supplemental Information Disclosure Statement with Form PTO-1449 and one reference

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Customer No.: 00909

Interview Summary

Application Serial No.: 10/761,938

Attorney Docket No. 016472-0311710

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS :	Soheil SHAMS	CONFIRMATION NO. :	2161
SERIAL NUMBER :	10/761,938	EXAMINER :	Abolfazl Tabatabai
FILING DATE :	January 21, 2004	ART UNIT :	2625
FOR :	SYSTEM AND METHOD FOR AUTOMATICALLY PROCESSING MICROARRAYS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

INTERVIEW SUMMARY

Applicants' representative, the undersigned, was contacted via telephone by Examiner Tabatabai on March 29, 2006 regarding the above-captioned application. During the teleconference, Examiner Tabatabai requested that the Applicants file a terminal disclaimer to overcome the pending non-statutory obviousness-type double patenting rejection of claim 76 in view of claim 1 of U.S. Patent No. 6,731,781. See Office Action mailed August 22, 2005, pg. 2. Examiner Tabatabai indicated that upon filing of the terminal disclaimer, all pending claims (1-76) would be allowed. Accordingly, a terminal disclaimer is being filed herewith.

While applicants disagree with the non-statutory obviousness-type double patenting rejection set forth by the Examiner, the terminal disclaimer is being filed herewith solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d (BNA) 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Customer No.: 00909

Interview Summary

Application Serial No.: 10/761,938

Attorney Docket No. 016472-0311710

Date: March 29, 2006

Respectfully submitted,

By: 

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